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10/21/2003

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EXAMINER

BUI, LUAN KIM

| ART UNIT | PAPER NUMBER |
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3728

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DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,327

Applicant(s)

AUGUSTINE, JEFFERY W.

Examiner

Luan K Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-22 is/are allowed.
- 6) ☒ Claim(s) 1,3,9 and 23 is/are rejected.
- 7) ☒ Claim(s) 2,4-8 and 10-12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: .

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Corbett (4,687,103). Corbett discloses an article container and display device including a case/stand (10, 12) comprising a first case unit (20), a second case unit (12-18) for removably engaging the first case unit, a display frame (28) for holding the article and a latch mechanism (42, 42A, 44, 44A) for removably attaching the first case unit to the second case unit. The display frame having a first attachment mechanism (lower portion) for removably engaging the first case unit at channel (26A) and a second attachment mechanism (above the lower portion) for removably engaging the second case unit at channel (22-26). The latch mechanism having a latch tongue (42, 44) provided on the first case unit and a latch tongue groove (42A, 44A) provided in the second case unit for removably receiving the latch tongue.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corbett (4,687,103). Corbett discloses an article container and display device including a case/stand (10, 12) comprising a first case unit (20), a second case unit (12-18) for removably engaging the first case unit, a display frame (28) for holding the article and a latch mechanism (42, 42A, 44, 44A) for removably attaching the first case unit to the second case unit. The display frame having a first attachment mechanism (lower portion) for removably engaging the first case unit at channel (26A) and a second attachment mechanism (above the lower portion) for removably engaging the second case unit at channel (22-26). The latch mechanism having a first unit latch tongue (42, 44) provided on the first case unit and a second unit latch tongue groove (42A, 44A) provided in the second case unit for removably receiving the latch tongue. Corbett fails to disclose a second unit latch tongue being provided on the second case unit instead of the second unit latch tongue groove and a first unit latch tongue groove being provided in the first case unit instead of the first unit latch tongue. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the latch mechanism of Corbett so it comprises a second unit latch tongue provided on the second case unit instead of the second unit latch tongue groove and a first unit latch tongue groove provided in the first case unit instead of the first unit latch tongue because it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Gazda*, 104 USPQ 400.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corbett (4,687,103) in view of Official Notice and Riley (6,508,495). Corbett discloses an article container and display device including a case/stand (10, 12) comprising a first case unit (20), a

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second case unit (12-18) for removably engaging the first case unit, a display frame (28) for holding the article and a latch mechanism (42, 42A, 44, 44A) for removably attaching the first case unit to the second case unit. The display frame having a first attachment mechanism (lower portion) for removably engaging the first case unit at channel (26A) and a second attachment mechanism (above the lower portion) for removably engaging the second case unit at channel (22-26). The latch mechanism having a first unit latch tongue (42, 44) provided on the first case unit and a second unit latch tongue groove (42A, 44A) provided in the second case unit for removably receiving the latch tongue. Corbett fails to disclose a first latch slidably carried by the first case unit and a second latch slidably carried by the second case unit. Official Notice is taken of the old and conventional practice of providing a container comprising a container body and a lid having a first and second slidably latches for locking the container body and the lid together. Riley, is cited by way of example only, shows a container (10) comprising a container body (12) and a lid (14) having a first and second slidably latches for locking the container body and the lid together. It would have been obvious to one having ordinary skill in the art in view of Official Notice and Riley to modify the case/stand of Corbett so it includes a first and second slidably latches for locking the first and second case units together for better protecting the display frame. It also would have been obvious to one having ordinary skill in the art in view of Corbett as modified so the first latch slidably disposed on the first case unit for removably engaging the second case unit and the second latch slidably disposed on the second case unit for removably engaging the first case unit to provide a secure case/stand and because the selection of the specific locations such as on the first case unit or on the second case unit would have been an obvious matter of design choice inasmuch as the resultant structures will work equally well.

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Allowable Subject Matter

6. Claims 13-22 are allowed.
7. Claims 2, 4-8 and 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (703) 305-5861. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to TC 3700 Customer Service at (703) 306-5648.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148. Facsimile correspondence for this application should be sent to (703) 305-3580 or (703) 872-9302 for Formal papers and (703) 872-9303 for After Final communications.

lkb
October 16, 2003



Luan K. Bui
Primary Examiner